

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Charlie Hung Trang, et al.,
Plaintiff,
v.
John Robert Rico,
Defendant.

Case No. SACV19-0059-JLS (KES)

ORDER REMANDING CASE TO
STATE COURT.

In his Notice of Removal, Defendant references “Exhibit A,” which he describes as “[t]rue and correct copies of the Summons, Complaint and other pleadings or orders ...” from state court. Defendant, however, has not included any exhibits with his filing. This contravenes 28 U.S.C. § 1446(a), which provides as follows: “A defendant or defendants desiring to remove any civil action from a State court shall file in the district court ... a notice of removal ... containing a short and plain statement of the grounds for removal, together with a copy of all process, pleadings, and orders served upon such defendant or defendants in such action.” 28 U.S.C. § 1446(a) (emphasis added). See also Local Rule 11-5.2 (“Unless compliance is impracticable, a paper exhibit shall be filed as an

1 attachment to the document to which it relates”). This defect is material
2 because the Notice of Removal repeatedly incorporates “Exhibit A” by reference.
3 Without “Exhibit A,” this Court cannot find a basis for federal subject matter
4 jurisdiction, which Defendant bears the burden of establishing. Gaus v. Miles, Inc.,
5 980 F.2d 564 (9th Cir. 1992).

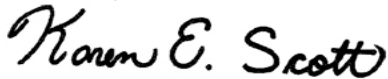
6 The Court remands this action to the California Superior Court for the
7 County of Orange, without prejudice to Defendant removing this action to federal
8 court with a notice that complies with the relevant statutes and contains sufficient
9 facts to establish a basis for subject matter jurisdiction.

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12 DATED: January 14, 2019



15 JOSEPHINE L. STATON
16 United States District Judge

17 Presented by:



19 KAREN E. SCOTT
20 United States Magistrate Judge